

AMENDED IN ASSEMBLY JUNE 15, 2009

AMENDED IN SENATE APRIL 21, 2009

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 288

Introduced by Senator Yee
(Coauthor: Assembly Member Eng)

February 24, 2009

An act to add Section 13211.7 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 288, as amended, Yee. Elections: names of candidates.

Existing law requires the translation of ballots and ballot materials into languages other than English when specified circumstances exist.

This bill would require that, if a county provides a translation of the candidates' ~~English~~ *alphabet-based* names into a character-based language, such as Chinese, Japanese, or Korean, phonetic translations or transliterations of the ~~English~~ *alphabet-based* names of candidates be provided. The bill would also require that a county that provides translations of candidates' names establish a process by which a candidate may appeal the phonetic translation of his or her ~~English~~ *alphabet-based* name.

This bill would provide an exception for a candidate who has a ~~non-English~~ *character-based* name by birth or has verifiably been known by a ~~non-English~~ *character-based* name for at least 2 years to permit him or her to use that name on the ballot instead of a phonetic translation or transliteration.

This bill would require that, if a county provides separate ballots containing translations of the candidates' names in different languages, both the ~~English~~ *alphabet-based* names and the translations of the candidates' names appear on each ballot.

Because the bill would impose additional duties on local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13211.7 is added to the Elections Code,
- 2 to read:
- 3 13211.7. (a) (1) In jurisdictions that are required to provide
- 4 a translation of ballot materials into a language other than English
- 5 pursuant to Section 9054 or 13209 of this code, or Section 203 (42
- 6 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.
- 7 1973b(f)(4)) of the federal Voting Rights Act of 1965, the ballots
- 8 that provide a translation of the candidate's name shall contain a
- 9 phonetic translation or transliteration of a candidate's ~~English~~
- 10 *alphabet-based* name.
- 11 (2) This section applies only to character-based languages,
- 12 including Mandarin Chinese, Cantonese, Japanese, and Korean.
- 13 (3) A county that provides translations of candidates' names on
- 14 the ballot shall establish a process by which a candidate may appeal
- 15 the translation of the name assigned to him or her for use on the
- 16 ballot.
- 17 (4) In a county in which separate ballots containing translations
- 18 of the candidates' names are printed in different languages, both
- 19 the ~~English~~ *alphabet-based* names and the translations of the
- 20 candidates' names, for candidates that have translated names, shall
- 21 appear on each ballot.

1 (b) Notwithstanding subdivision (a), if a candidate has a
2 ~~non-English~~ *character-based* name by birth, which can be verified
3 by birth certificate or other valid identification, he or she may use
4 that name on the ballot instead of a phonetic translation or
5 transliteration. A candidate who does not have a ~~non-English~~
6 *character-based* name by birth, but who identifies by a particular
7 ~~non-English~~ *character-based* name and can demonstrate to
8 elections officials that he or she has been known and identified
9 within the public sphere by that name over the past two years, may
10 use that name instead of a phonetic translation or transliteration.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.